

## **REMARKS**

### **Introduction**

Claims 1 – 6 were originally pending in the present application. Claims 1 - 6 were preliminarily amended, and claim 7 was preliminarily added. In response to “Office Action” dated February 8, 2006, claims 1, 4, and 7 were amended, and claims 2, 3, 5, and 6 were cancelled. In response to “Office Action” dated July 17, 2006, claim 1 has been amended, and claim 4 has been cancelled. Accordingly, claims 1 and 7 are presently pending for consideration in this application. No new matter has been added.

### **Claim Rejections**

#### **35 U.S.C. § 102(b)**

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by the Shafer, Jr. et al. ‘889 publication. A claim is said to be anticipated where each and every limitation of the claim can be found in a single reference. Claim 1 has been amended to include limitations formerly set forth in claim 4 and shown in the drawings of and described in the present application. Claim 4 has been cancelled herein. No new matter has been added. Thus, as explained in detail below, the applicant respectfully submits that each and every limitation of amended independent claim 1 cannot be found in the Shafer, Jr. et al. ‘889 publication. Accordingly, the applicant respectfully traverses this rejection and requests that it be withdrawn.

#### **35 U.S.C. § 103(a)**

Claims 4 and 7 were rejected under 35 U.S.C. § 103(a) as being obvious and, therefore, unpatentable over the Shafer, Jr. et al. ‘889 publication in view of the Dixon ‘502 patent. More

specifically, the Examiner states that it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to make the storage container fit over the front and back cross bars as taught by Dixon with the trunk space storage system of Shafer, Jr. et al. in order to enhance anchoring stability and to make the length of each of the front and back cross bars to be adjustable as taught by Dixon with the trunk space storage system of Shafer, Jr. et al. in order to enhance reliable fitting with various vehicles. Claim 7 is ultimately dependent upon independent claim 1 and adds perfecting limitations thereto. (Claim 4 has been cancelled herein.) In view of the amendments to claim 1 as noted above, the applicant cannot agree that the invention defined in claim 1 and, thus, claim 7 would have been obvious over the Shafer, Jr. et al. '889 publication in view of the Dixon '502 patent. Accordingly, this rejection is respectfully traversed.

### **The Prior Art**

#### **The Shafer, Jr. et al. '889 Publication**

The Shafer, Jr. et al. '889 publication discloses a cargo-management device 24 including a pair of frame portions 26, 28 attached to each other using hinges 42, 44 and having a pair of parallel support beams 30, 30', 32, 32' extending between a first end 34, 34' and a second end 36, 36'. The frame portions 26, 28 also have a plurality of cross beams 38, 38', 40, 40' extending between the pair of parallel support beams 30, 30', 32, 32'. A plurality of hooks 60 allow articles, such as sporting equipment, to be attached or secured to the frame portions 26, 28 between the frame portions 26, 28 and a floor 18 of a vehicle. In particular, the hooks 60 may be used for supporting a cargo netting 140 or bags 150, such as grocery bags. This allows the sporting equipment to be suspended from the cargo-management device 24 or organized by the cargo netting 140 that depends therefrom. The cargo-management device 24 also includes attachment pins 62, 64 attaching the frame portions 26,

28 to two opposing side walls 12, 14 of the vehicle spaced apart from the floor 18 so that the articles being stored may be suspended from the frame portions 26, 28 or organized using the cargo netting 140. More specifically, the attachment pins 62, 64 are matingly received and secured within attachment receptacles 130, 132 defined on the respective opposing side walls 12, 14.

However, the Shafer, Jr. et al. '889 publication fails to disclose or suggest a trunk-space-storage system in which at least one storage container of the system fits over front and back cross car bars of the system so as to be supported by the front and back cross car bars. This publication also fails to disclose or suggest a trunk-space-storage system in which both of the front and back cross car bars are adapted to be stowed in either of pairs of front and back recesses when the trunk space storage system is not needed.

### **The Dixon '502 Patent**

The Dixon '502 patent discloses a collapsible trunk-spacer apparatus 10 for a trunk of an automobile. The spacer apparatus 10 includes a generally rectangular, collapsible carrier unit 11 having generally rigid end panels 21, 22 and generally flexible side walls 23, 24. Each of the side walls 23, 24 is operatively associated with an upper and a lower telescoping support unit 12 for varying the length of the carrier unit 11 and moveable divider units 13 for creating individual compartments within the carrier unit 11. In addition, each of the side walls 23, 24 is provided with an upper and a lower row of a plurality of spaced loops 26. Each row is adapted to receive a support unit 12.

However, the Dixon '502 patent fails to disclose or suggest a trunk-space-storage system including a front cross-car bar and a back cross-car bar each of which is adapted for extending across a trunk space. This patent also fails to disclose or suggest a trunk-space-storage system in which

each of a pair of front recesses and a pair of back recesses are located at respective opposite sides of the trunk space. The pair of front recesses support respective opposite ends of the front cross-car bar, and the pair of back recesses support respective opposite ends of the back cross-car bar. The front and back cross car bars are respectively removably supported by the pairs of front and back recesses. This patent also fails to disclose or suggest a trunk-space-storage system in which at least one storage container is removably supported by the front and back cross-car bars. The storage container fits over the front and back cross car bars so as to be supported by the front and back cross car bars. This patent also fails to disclose or suggest a trunk-space-storage system in which both of the front and back cross car bars are adapted to be stowed in either of the pairs of front and back recesses when the trunk space storage system is not needed.

#### **The Trunk-Space-Storage System of the Present Invention**

In contrast to the related art, amended claim 1 of the present application discloses a trunk-space-storage system including a front cross-car bar and a back cross-car bar each of which is adapted for extending across a trunk space. Each of a pair of front recesses and a pair of back recesses are located at respective opposite sides of the trunk space. The pair of front recesses support respective opposite ends of the front cross-car bar, and the pair of back recesses support respective opposite ends of the back cross-car bar. The front and back cross car bars are respectively removably supported by the pairs of front and back recesses. At least one storage container is removably supported by the front and back cross-car bars. The storage container fits over the front and back cross car bars so as to be supported by the front and back cross car bars. Both of the front and back cross car bars are adapted to be stowed in either of the pairs of front and back recesses when the trunk space storage system is not needed.

## Argument

### 35 U.S.C. § 102(b)

As noted above, a claim is said to be anticipated where each and every limitation of the claim can be found in a single prior-art reference. In this case, the limitations of amended independent claim 1 cannot be found disclosed in the Shafer, Jr. et al. '889 publication. In particular, the Shafer, Jr. et al. device fails to disclose or suggest a trunk-space-storage system in which at least one storage container of the system fits over front and back cross car bars of the system so as to be supported by the front and back cross car bars and both of the front and back cross car bars are adapted to be stowed in either of pairs of front and back recesses when the trunk space storage system is not needed, as claimed in amended claim 1 of the present application.

More specifically, the trunk-space-storage system of the present invention requires that at least one storage container of the system fit over the front and back cross car bars of the system so as to be supported by the front and back cross car bars. The trunk-space-storage system of the present invention also requires that both of the front and back cross car bars be adapted to be stowed in either of pairs of front and back recesses when the trunk space storage system is not needed.

Unlike the trunk-space-storage system of the present invention, the Shafer, Jr. et al. device includes only a plurality of hooks 60 to allow articles, such as sporting equipment, to be attached or secured to the frame portions 26, 28 between the frame portions 26, 28 and a floor 18 of a vehicle. In particular, the hooks 60 may be used for supporting a cargo netting 140 or bags 150, such as grocery bags. This allows the sporting equipment to be suspended from the cargo-management device 24 or organized by the cargo netting 140 that depends therefrom. As the Examiner admits in Section 4 of "Office Action," the Shafer, Jr. et al. '889 publication "does not disclose the storage container fit[ting] over the front and back cross bars."

Also unlike the trunk-space-storage system of the present invention, the Shafer, Jr. et al. device includes a pair of parallel support beams 30, 30', 32, 32' that, because of the plurality of cross beams 38, 38', 40, 40' extending between the pair of parallel support beams 30, 30', 32, 32', are not removable from the attachment receptacles 130, 132 independently of each other. Thus, both parallel support beams 30, 30', 32, 32' cannot be stowed in either of the pairs of attachment receptacles 130, 132 when the cargo-management device 24 is not needed. Support for both of the front and back cross car bars being adapted to be stowed in either of the pairs of front and back recesses when the trunk space storage system is not needed is found in Figure 3 and lines 17 – 21 of page 4 of the present application.

As can easily be seen, the Shafer, Jr. et al. device does not include at least one storage container fitted over the front and back cross car bars so as to be supported by the front and back cross car bars. Also, the Shafer, Jr. et al. device does not include both of the front and back cross car bars being adapted to be stowed in either of the pairs of front and back recesses when the trunk space storage system is not needed.

Thus, the applicant respectfully submits that each and every limitation of amended claim 1 is not found nor suggested in the Shafer, Jr. et al. device. Therefore, it is respectfully submitted that amended claim 1 is allowable over the rejection under 35 U.S.C. § 102(b).

### **35 U.S.C. § 103(a)**

The Examiner asserts that the Dixon '502 patent teaches that the carrier unit 11 of the Dixon device fits over the front and back support units 12 of the Dixon device for the purpose of providing anchoring stability. However, it is respectfully submitted that the carrier unit 11 does not fit over the front and back support units 12. Rather, the front and back support units 12 fit within the carrier

unit. Although the moveable divider units 13 create individual compartments within the carrier unit 11, the moveable divider units 13 cannot combine with each other to form a storage container since it would not have a floor apart from that of the carrier unit 11. Here, then, it is respectfully submitted that combining the upper and lower support unit 12 on each of the side walls 23, 24 of the Dixon device with the Shafer, Jr. et al. device in order to enhance anchoring stability does not result in the trunk-space-storage system of the type described in amended independent claim 1. In any event, both the front and back support units 12 of the Dixon device are not adapted to be stowed in either of pairs of front and back recesses located at respective opposite sides of trunk space when the Dixon device is not needed.

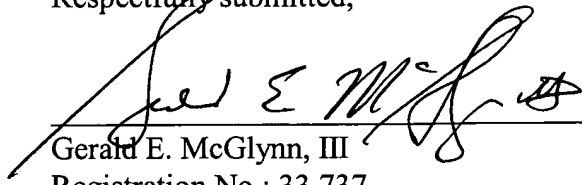
The deficiencies in the teachings of the Shafer, Jr. et al. '889 publication are not overcome in the disclosure of the Dixon '502 patent. Thus, neither of the references, alone or in combination with the other reference, discloses or suggests the trunk-space-storage system described in amended claim 1.

In view of the above, it is respectfully submitted that amended independent claim 1 recites at least one structural limitation that is not disclosed or suggested by the prior art and is patentably distinguishable from the subject matter of each of the references discussed above. Claim 4 has been cancelled. Claim 7 is ultimately dependent upon independent claim 1 and adds further perfecting limitations thereto. As such, the prior-art references do not disclose or suggest the subject invention. However, even if they did, they could be applied only through hindsight after restructuring the disclosures of the corresponding references in view of the applicant's invention. A rearrangement of the devices described in the corresponding references to derive the applicant's invention would, in and of itself, be an invention.

**Conclusion**

Independent claim 1, as amended, recites structure that is neither disclosed nor suggested by the prior art and is patentably distinguishable from the cited art discussed above. Claim 7 is dependent upon claim 1 and adds perfecting limitations thereto. Accordingly, the applicant respectfully solicits allowance of the claims pending in the present application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald E. McGlynn, III", is written over a horizontal line.

Gerald E. McGlynn, III  
Registration No.: 33,737  
BLISS McGLYNN, P.C.  
2075 West Big Beaver Road, Suite 600  
Troy, Michigan 48084-3443  
Phone: 248-649-6090  
Fax: 248-649-6299  
Email: [gemcglynn@ipdirection.com](mailto:gemcglynn@ipdirection.com)

Date: October 17, 2006  
Attorney Docket No.: 04440 (3883.00071)